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*Attorneys for ROE CL Plaintiffs*

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

IN RE: UBER TECHNOLOGIES, INC.,  
PASSENGER SEXUAL ASSAULT  
LITIGATION

Case No.: 3:23-md-03084-CRB

Hon. Charles R. Breyer

This Document Relates to:

*Jane Roe CL 223 v. Uber Technologies,  
Inc., et al., No. 3:25-cv-09393-CRB*

**PLAINTIFFS' MEMORANDUM IN  
SUPPORT OF OPPOSITION TO  
DEFENDANTS' MOTION TO DISMISS  
CASES FOR FAILURE TO COMPLY  
WITH PTO 5**

Date: February 13, 2026  
Time: 10:00 a.m.  
Courtroom: 6 – 17<sup>th</sup> Floor

**I. INTRODUCTION**

On December 31, 2025, Defendants filed a Motion to Dismiss cases of Plaintiffs who did not file a bona fide trip receipt or ride form in connection with Pretrial Order (“PTO”) 5. (Doc. 4854). Counsel acknowledges and understands that under PTO 5, the court created procedures and deadlines to produce a bona fide trip receipt, or in the alternative complete a form that identifies information Defendants can utilize to find the referenced ride, along with an explanation for its unavailability. (Doc. 175, at 2-3).

Defendants' Motion argues that Plaintiffs have willfully violated this requirement and thus deserve dismissal. However, during the course of litigation, there are a number of reasons a client may become unavailable and unable to produce documents or information needed. Failure to provide the information by a certain deadline does not mean a Plaintiff has willfully chosen not to participate in their case. Counsel has undergone extensive efforts to find these clients and assist them, predating Defendants' Motion, and was successfully able to obtain the requested information and produce the PTO-5 form, though after the initial deadline. (Domer Decl. at ¶ 3).

## II. ARGUMENT

Counsel utilized extensive efforts to reach and follow up with Jane Roe CL 223. The required PTO-5 form was then submitted and produced through MDL Centrality on January 14, 2026. Jane Roe CL 223 has therefore produced the missing document noted on Defendant's motion and should be removed from consideration as moot.

## III. CONCLUSION

For the foregoing reasons, Plaintiffs Jane Roe CL 223 should not be dismissed with prejudice.

Dated: January 14, 2026

CUTTER LAW P.C.

By: /s/ Jennifer S. Domer

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*Attorneys for ROE CL Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that, on January 14, 2026, I electronically filed the following with the Clerk of the Court using the CM/ECF system, which will send notification of such filing via electronic mail to all counsel of record as maintained in the CM/ECF electronic system.

Dated: January 14, 2026

CUTTER LAW P.C.

By: /s/ Jennifer S. Domer

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